

CAUSE NO. 25DCCV0102

DAVID R. PETE
Plaintiff

VS.

WALMART STORES, LLC
Defendant

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IN THE DISTRICT COURT OF

JEFFERSON COUNTY, TEXAS

136TH JUDICIAL DISTRICT

ORIGINAL ANSWER AND JURY DEMAND OF DEFENDANT
WALMART TEXAS, LLC (INCORRECTLY NAMED AS WALMART STORES, LLC)

TO HONORABLE JUDGE OF SAID COURT:

COMES NOW WALMART TEXAS, LLC (incorrectly named as WALMART STORES, LLC), Defendant, and files its Original Answer and Jury Demand and would show the Court the following:

I.

GENERAL DENIAL

In accordance with Rule 92 of the Texas Rules of Civil Procedure, Defendant denies generally all and singular the material allegations contained in Plaintiff's Petition and demand strict proof thereof.

II.

AFFIRMATIVE DEFENSES

Further answering herein, Defendant avers that Plaintiff's cause of action for defamation is time-barred by the applicable one-year statute of limitations pursuant to Section 16.002 of the Texas Civil Practice & Remedies Code.

Further answering herein, Defendant avers that Plaintiff's causes of action for false detention and all other tort claims are time-barred by the applicable two-year statute of limitations pursuant to Section 16.003(a) of the Texas Civil Practice & Remedies Code.

Further answering herein, Defendant avers that Plaintiff's recovery, if any, should be barred or otherwise reduced pursuant to the comparative responsibility provisions of Chapter 33 of the Texas Civil Practice and Remedies Code.

III.

JURY DEMAND

Pursuant to Rule 216 of the Texas Rules of Civil Procedure, Defendant demands a jury trial. Defendant is tendering the required fee with its jury demand.

IV.

RULE 193.7 NOTICE

Pursuant to Texas Rules of Civil Procedure 193.7, this will serve as actual notice that Defendant intends to use produced documents/tangible items against Plaintiff in pretrial proceedings and at trial. Accordingly, production of a document(s)/tangible items in response to this Request for Disclosure authenticates the document(s)/tangible items for use against Plaintiff in any pretrial proceeding or at trial unless Plaintiff objects to the authenticity of any produced document(s)/tangible items within the time limits as particularly set out in Texas Rules of Civil Procedure 193.7.

V.

RESERVATION OF RIGHT TO AMEND

Defendant reserves the right to amend its answer, affirmative defenses, and pleadings in accordance with the Texas Rules of Civil Procedure, any order of the Court, and/or agreement of the parties.

VI.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant prays that Plaintiff take nothing by reason of this suit herein, and that Defendant goes hence without day and recover its costs.

Respectfully submitted,

MEHAFFY WEBER, P.C.

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WALMART TEXAS, LLC (INCORRECTLY
NAMED AS WALMART STORES, LLC)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to opposing counsel of record by electronic filing, on this 20th day of February, 2025.

/s/ Karen L. Spivey
KAREN L. SPIVEY